

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 367 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MOHAMMEDKHAN JALALKHAN PATHAN @ GUL MOHMAD JALALKHAN

Versus

STATE OF GUJARAT

Appearance:

MR DR BHATT for Petitioner
Mr. Maulin Raval, ADDL. PUBLIC PROSECUTOR
for Respondent No. 1

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 22/07/1999

ORAL JUDGEMENT :

Heard Shri Bhatt, learned advocate for the revisioner and Shri Raval, learned APP for the State.

2. Rule. Shri Raval, learned APP waives service of the rule.

3. The order under challenge is the order passed by the learned Judicial Magistrate (First Class), Bharuch, granting remand of the revisioner for seven days on 7.7.1999. The order was challenged on 9th July 1999 before this Court. This Court stayed operation of the order on that day and directed the Investigating Officer to present himself before this Court along with all the relevant papers. The Investigating Officer is present before this Court and it is stated by Shri Raval, learned APP, on instructions from the Investigating Officer that a large scale scandal of trading in truck for illicit traffic of forest produce is going on and therefore, further interrogation of the revisioner is necessary to reach to the cause.

4. It is stated by Shri Bhatt, learned advocate for the revisioner that after the order the accused had preferred bail application which was allowed by the Court concerned and the revisioiner accused is on bail.

5. Under the circumstances, Shri Bhatt, learned advocate for the revisioner concedes that the revisioner will cooperate with the Investigating Officer. As and when he is called he will appear before the Investigating Officer and cooperate in every manner for the purpose of investigation including giving statement and accompanying the Investigating Officer, if need be.

6. Under the circumstances, the order under challenge requires to be quashed and the same is quashed. The petitioner is already on bail and the question of fsremanding him to the Police custody further at this stage in the light of the above undertaking does not survive. The petitioner shall abide by the undertaking given by the learned advocate Shri Bhatt.

7. With these directions, the Revision Application is allowed. Rule is made absolute. Direct service is permitted.

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